| Sr. No. | Date | Orders |
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08.08.2005

Present : None for the petitioner
Mr Uday Gupta for respondent No.1

WP(C) No. 5379/2000

There is no appearance on behalf of the petitioner. This position has continued since the year 2003. The petitioner seeks to impugn the appointment of respondent No.2 as Junior Welder. The ground of challenge is that the said respondent was ineligible to apply in the Schedule Tribe category. The allegation made is that the petitioner was the only ST candidate and that the second respondent is from the SC category and not ST category. The other ground is that the certificate supplied by the respondent No.2 was false and could not have been relied upon.

A notification/document annexed along with the petition as Annexure-E discloses that *Khati* excluding those in SC's are considered at Schedule Tribes. Learned counsel appearing on behalf of the respondents submits that the second respondent was in fact from the community known as *Kharia* which is a Schedule Tribe. He has produced a copy of the said certificate for that purpose.

In view of the above position and having regard to the fact that the appointment was made sometime in the year 1997 and the grievance in these proceedings was raised in 2000, the petition is dismissed.

S.RAVINDRA BHAT, J.

AUGUST 08, 2005
RM

Signature Not Verified
Digitally Signed By:ANULYA
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no tampering.